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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: System for Marketing Goods and
Services Utilizing Computerized
Central and Remote Facilities

Inventor: Stephen C. Wren
Serial No.: 08/650,834
Filed: May 20, 1996

Art Unit 3625
Mr. James Zurita
Examiner

REPLY TO EXAMINER'S ANSWER

In response to Examiner's Answer mailed August 3, 2007, Applicant presents the following using the Examiner's numbering system.

(9) Grounds of Rejection

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

(10) Response to Arguments

Ground of Rejection 1 (*claims 115, 116, 121, 122, and 140-143*) -

Claim 115

Examiner merely repeats a portion of Applicant's position then asserts Saigh is prior art without countering Applicant's arguments or evidence presented. Applicant is standing by his evidence and arguments in his Brief, since the Examiner by not responding has acceded to them. Claim 115 is therefore allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 140

As in claim 115, Examiner merely repeats a portion of Applicant's position then asserts Saigh is prior art without countering Applicant's arguments or evidence presented. Applicant is standing

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by his evidence and arguments in his Brief, since the Examiner by not responding has acceded to them. Claim 140 is therefore deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claims 116, 121 and 122

Each of these claims depend on claim 115, which as established above is deemed allowable.

Therefore for at least this reason claims 116, 121, and 122 are deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claims 141-143

Each of these claims depend on claim 140, which as established above is deemed allowable.

Therefore for at least this reason claims 141-143 are deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 2-

Claim 123

Applicant respectfully disagrees with Examiner. The cited passages (previous and present) do not teach the invention as claimed. Namely...

wherein said computerized remote communications facility has downloaded application software from at least one of said computerized central communications facilities in a current or past session, wherein said browsing application software is operational to process information contained in said hypermedia document, and wherein said downloaded application software is operational to translate information contained in said transmitted hypermedia document in order to display in said first browsing application software window or otherwise reproduce said information...

Claim 123 is therefore deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 3 (*claims 30-33, 36, 39-45, 47, 49, 51, 54, 57-64, 67, 79-85, 87-90, 92, and 100*)-

Claim 30

The Examiner has misquoted the Applicant. Applicant never said the ATT reference "provides a shopping list". Rather, Examiner has lifted a passage from the ATT reference and used it out of

context attempting to support what the reference does not teach. Additionally, the Examiner's remark about the network "doubling every 12 months" is moot as it is neither claimed nor related to any claimed limitation.

Also, regarding the commercial users passage now cited by the Examiner; whether or not some Cerfnet users were "commercial" does not support "An apparatus to market and/or sell goods or services over an electronic network" as is claimed. As the reference explains, some Cerfnet users were researchers and academics, while others were commercial users. Such a limitation is not claimed by Applicant. Nor does ATT support "wherein at least one of said computerized central communications facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services", which is also claimed. Nothing in the reference, Cerfnet or the Compass directory, support the claimed limitations.

Additionally, the passage at the conclusion of the reference the Examiner refers to merely states "Users not only want to know where research is located on the Internet but how to contact businesses and how to sell and use services that are available on it." It does not teach that the directory described in the reference was itself used to "market and/or sell goods or services over an electronic network" as is claimed. Nor does it support "wherein at least one of said computerized central communications facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services", which is also claimed.

Further, Examiner has failed to respond to Applicant's arguments and evidence in his Brief which Applicant stands by and to which Examiner has therefore acceded to.

For at least all the above reasons, claim 30 is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 31

Examiner has failed to respond to Applicant's arguments and evidence which Applicant stands by and to which Examiner has therefore acceded to. Claim 31 is therefore deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 32

Applicant respectfully disagrees with Examiner. The Examiner has mischaracterized the reference. The newly cited portion of the reference adds nothing to the prior cite. Neither state or teach that the "computerized central communications facilities is further programmed to contact the customer" as is claimed. Further, this claim depends on a claim which is itself allowable. For at least these reasons, claim 32 is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 33

Applicant respectfully disagrees with Examiner. Applicant clearly articulated his position in his Brief and stands by it. The Examiner continues to fail to cite any portion of the reference that teaches the invention as claimed. Further, this claim depends on a claim which is itself allowable. For at least these reasons, claim 33 is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 36

Examiner has failed to respond to Applicant's evidence and arguments presented in his Brief which the Applicant stands by. Examiner has thereby acceded to them. Further, this claim depends on a claim which is itself allowable. For at least these reasons, claim 36 is deemed allowable.

Applicant notes that a version of this limitation "wherein said apparatus further comprises means for recording a presentation stopping point for future reference" was adjudged by the Board of Patent Appeals in related case serial number 09/504,374 to be patentable (see claim 18 therein). Applicant further notes that the Examiner provided no reference for this rejection, thus there was no explanation needed as to why a reference did not teach the invention as claimed.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claims 39 and 41

Applicant did explain why the references do not teach the claimed limitations in his Brief. Examiner has failed to respond to Applicant's evidence and arguments presented therein which the Applicant stands by. Examiner has thereby acceded to them. Further, these claims depend on a claim which is itself allowable. For at least these reasons, claims 39 and 41 are deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 43

Applicant stands by the arguments and evidence presented in his Brief.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 44

Examiner mischaracterizes the reference. Examiner does not now nor has he previously cited any passage in the reference which teaches the invention as claimed: "said first central communications facility adapted to enable said customer to select and contact a second central communications facility having a database of information relating to a second set of information relating to goods or services to provide upon request". Further, Examiner has failed to respond to Applicant's evidence and arguments presented in his Brief, which the Applicant stands by, that ATT does not support "An apparatus for marketing at least one of goods or services". Examiner has thereby acceded to them. For at least these reasons, claim 44 is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 45

Examiner again mischaracterizes the Dworkin reference and fails to cite any passage in it to support his argument. As above, Dworkin does not support multiple central facilities the customer may contact. To "assist a user in locating and purchasing goods or services sold by a plurality of vendors" does not support or teach this. Examiner also fails to respond to Applicant's arguments and evidence presented in his Brief which Applicant stands by. Examiner has thereby acceded to them. Further, this claim depends on a claim which is itself allowable. For at least these reasons, claim 45 is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 47

The ATT reference does not disclose "wherein said database of information relating to goods or services includes a directory of providers of goods or services". Rather it discloses a directory that lists other directories. As it states, it is a "directory of directories". Further, this claim depends on a claim deemed allowable. For at least these reasons this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 51

Applicant stands by the arguments and evidence presented in his Brief. Further, this claim is similar to claim 36 above and the referenced claim in a related case which the Board of Appeals recently adjudged patentable.

Applicant is puzzled by Examiner's statement concerning improper combination. There is no such issue for this claim.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 54

Examiner mischaracterizes the reference. To "provide the user with a transaction number" does not teach or suggest "a software application for assisting the central communications facility to download a contract to the computerized remote location" as is claimed. Further, this claim depends on a claim which is itself allowable. For at least these reasons, claim 54 is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 58

Examiner admits that in the ATT reference it is information or data that is downloaded, not software as is claimed. Applicant therefore stands by the evidence and arguments in his Brief. Claim 58 is then deemed allowable.

Further, Examiner is mistaken. The reference makes no mention of the directory being on a web site. Rather, it states the directory may be accessed through WAIS, Archie, or a variety of other "information tools".

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 79

Examiner mischaracterizes the reference. It does not teach or suggest "wherein said first central communications facility further enables said customer to browse said first set of information relating to goods and services" as claimed. The newly cited passage of the reference only supports multiple screen menus. By definition, it is therefore not the equivalent. Applicant maintains his arguments and evidence presented in his Brief. Consequently, claim 79 is deemed allowable.

As an aside, Applicant notes the definition he presented in his Brief is consistent with the passage of his specification now referenced by the Examiner. Both differ markedly from the reference.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 81

Respectfully, Examiner is mistaken. Applicant did explain why the Dworkin reference does not disclose the claimed invention in his Brief. Applicant maintains his arguments and evidence presented therein. Examiner has failed to respond to those arguments and evidence and has thereby acceded to them. Consequently, claim 81 is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claims 43, 59, 61-64, 67, 80, 87-90, 92 and 100

Each of the above claims is addressed in Applicant's Brief. Applicant maintains his arguments and evidence presented therein.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 4 -

Claims 50, 72, 77, 78, and 86

Applicant maintains his arguments and evidence presented in his Brief for these claims.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 5 (claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103, and 107) -

Claim 34

Applicant maintains his arguments and evidence presented in his Brief for this claim. Examiner has failed to respond to them and has thereby acceded. Consequently, this claim is deemed allowable.

Additionally, Applicant is puzzled by Examiner's cite of MPEP 714.02 as there are no issues of references meeting claimed limitations for this claim.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 35

Applicant has in his Brief explained why the Filepp reference does not teach the invention as claimed. Applicant maintains his arguments and evidence presented therein. Examiner has failed

to materially respond to them and has thereby acceded. Consequently, this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 38

Applicant maintains his arguments and evidence presented in his Brief. Examiner has failed to respond to them with logical argument and/or evidence and has thereby acceded. Consequently, this claim is deemed allowable.

Applicant notes that there are no issues of references meeting claimed limitations for this claim and thus nothing to respond to here.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 48

Applicant maintains his arguments and evidence presented in his Brief. Examiner has failed to respond to them with logical argument and/or evidence and has thereby acceded. Consequently, this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 52

The Examiner has failed to respond to Applicant's arguments and evidence which Applicant stands by. Therefore, Examiner has acceded to them and this claim is now deemed allowable.

Applicant notes there are no issues of references disclosing claimed limitations for this claim.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 53

Applicant has explained in his Brief why the reference does not meet this claim, yet Examiner fails to respond with logical argument or further evidence. Applicant stands by his arguments and evidence presented therein. Examiner therefore has acceded and this claim is now deemed allowable.

Further, Examiner fails to respond to Applicant's arguments that these references are improperly combined. Examiner therefore has acceded and this claim once again is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claims 68 and 69

Examiner fails to respond to Applicant's arguments and evidence for these grounds of rejections which Applicant maintains. Therefore these claims are allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 94

Examiner fails to respond to Applicant's arguments and evidence presented in his Brief for this claim which Applicant maintains. Therefore this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claims 95 and 103

Examiner's response is incomplete and unclear. If Examiner is arguing Filepp supports contacting multiple providers of information and the combination is thus proper, Applicant disagrees. None of the present or past cites support that teaching, which as established by Applicant is in fact contrary to Filepp's teaching. To suggest that Filepp teaches contacting multiple providers would be to mischaracterize the reference. Having a database containing information on goods from multiple vendors is not the same as contacting multiple central facilities of different providers each with its own database.

Further, Examiner has not responded to Applicant's arguments and evidence that the Filepp reference does not support the claimed limitation "provide information about the sale or financing of housing".

Applicant stands by the evidence and arguments presented in his Brief. For at least these reasons these claims are deemed allowable.

Applicant notes that Examiner's remark about "presentation data" is out of place and off point. It does not relate to this Ground of Rejection.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claims 48, 68, 69 and 107

Examiner is mistaken. Applicant argues each of these claims separately and stands by his arguments and evidence presented. As Examiner has failed to respond and therefore acceded, these claims are deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 6 (*claims 70-76*) -

Claim 70

Examiner is mistaken. Applicant did explain why the references do not anticipate the invention as claimed. Applicant stands by the arguments and evidence presented in his Brief. In failing to respond, Examiner has acceded and this claim is then deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 71

The ATT reference does not disclose "wherein said database of information relating to goods or services includes a directory of providers of goods or services". Rather it discloses a directory that lists other directories. As it states, it is a "directory of directories". Further, this claim depends on a claim deemed allowable. For at least these reasons this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 72

This claim is not argued against in this ground of rejection by Examiner in either his Final Action or in his Answer. This claim is therefore deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 73

Examiner is mistaken. ATT does not support "wherein said central communications device is adapted to download a software application to said computerized remote facility". It merely downloads a directory which is data, not software. Therefore, this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 74

Examiner is mistaken. This claim is not comparable to claims 39-41. Therefore any rejection applied to those claims will not apply to this. This claim is therefore deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 75

Examiner is mistaken. This claim is not comparable to claims 39-41. Therefore any rejection applied to those claims will not apply to this. This claim is therefore deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 76

Examiner is mistaken. This claim is not comparable to claims 39-41. Therefore any rejection applied to those claims will not apply to this. This claim is therefore deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 7 (*claims 93, 96-98, 101, and 104-106*) -

Claims 93, 96-98, 101, and 104-106

Applicant notes that there are no references to respond to for these claims as Examiner relies on Official Notice.

Further, Applicant stands by the arguments and evidence presented in his Appeal Brief. Because Examiner has failed to respond to Applicant, these claims are thus deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 8 (*claims 108, 110-114 and 139*) -

Claim 108

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

As there is no prior art there is no explanation needed as to disclosing claimed limitations.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 112

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 110

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes he did address the issue of the reference not disclosing the claimed limitation.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 113

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that he did address the issue of the reference not disclosing the claimed limitation.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 114

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that he did address the issue of the reference not disclosing the claimed limitation. To clarify, Applicant referred to Woolston 265 for the benefit of the Examiner as it is similar to claim 108.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 139

Applicant maintains his arguments and evidence presented in his Brief. Consequently, this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 9 -

Claim 109

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that as there is no prior art there is no need to address if it meets Applicant's claimed limitations.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 10-

Claim 139

Applicant maintains his arguments and evidence presented in his Brief. Consequently, this claim is deemed allowable.

Applicant notes there is no issue for this ground of rejection as to if a reference meets Applicant's claimed limitations.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 11-

Claim 124

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that he did explain "why the references do not disclose the claimed limitations".

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 12-

Claim 125

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that there is no need to explain "why the references do not disclose the claimed limitations" as there is no valid prior art. Further, there is no question of combination on this rejection, therefore no explanation is required.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 13-

Claim 126

This claim depends on claim 123 which is deemed allowable. For at least that reason this claim is deemed allowable.

Ground of Rejection 14 (*claims 127-129*) -

Claim 127

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that he did explain "why the references do not disclose the claimed limitations". The Examiner has failed to demonstrate that the references meet the claimed limitations. It is not for Applicant to prove his invention is patentable, but rather for Examiner to prove it is not.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 128

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that he did explain "why the references do not disclose the claimed limitations". The Examiner has failed to demonstrate that the references meet the claimed limitations. It is not for Applicant to prove his invention is patentable, but rather for Examiner to prove it is not.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 129

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that he did explain "why the references do not disclose the claimed limitations". The Examiner has failed to demonstrate that the references meet the claimed limitations. It is not for Applicant to prove his invention is patentable, but rather for Examiner to prove it is not.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 15 (*claims 130-132 and 135-137*) -

Claim 130

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Examiner is mistaken. There is no issue of improper combination on this claim and therefore no need to explain why. Further, Applicant notes that he did explain "why the references do not disclose the claimed limitations".

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 131

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 132

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 135

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 136

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Claim 137

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 16-

Claim 133

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Examiner is mistaken. There is no issue of improper combination on this claim and therefore no need to explain. Further, Applicant notes that there is no need to explain "why the references do not disclose the claimed limitations" as there is no valid prior art.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 17-

Claim 134

Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Applicant notes that he has explained why he feels the combination is improper. Further, there is no need to explain "why the references do not disclose the claimed limitations" as the combination of references is improper.

Applicant respectfully disagrees with Examiner's characterization of Saigh and InTouch. Neither of the references support providing information via a network until after Applicant's priority date of June 1994 as established in Applicant's Brief at the bottom of page 47:

"In fact, in Saigh's only specification that predates applicant's disclosure he fails to teach enabling the user to contact any central facility as all information was retrieved from local laser discs as established above. Saigh is therefore not prior art for this claim."

And in the middle of page 51:

In fact, in his 916 patent Intouch admits in his SUMMARY OF THE INVENTION that “The present invention provides for an improvement to the '157 patent by integrating a network web site as the source of the pre-recorded products and the controlling software”. In the '157 application the samples were stored on CD-ROM disks in the kiosk (see column 4, lines 39-60...“storage on CD ROM discs in the kiosk body 50”; and his Technical Field section “CD-ROM stored audio and video data”).

The Examiner has failed to prove otherwise by responding to the evidence and arguments submitted by Applicant in his Brief. Therefore, the Examiner is mistaken and the combination is improper. Consequently, this claim is for at least that reason allowable.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 18-

Claim 138

Applicant respectfully disagrees. Ferguson is not prior art. Examiner fails to respond with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Further, Applicant notes that there is no need to explain “why the references do not disclose the claimed limitations” as there is no valid prior art.

Please see Applicant's Appendix A for a response to Examiner's Appendix D.

Ground of Rejection 19-

Claim 30

Examiner fails to respond on point with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Ground of Rejection 20-

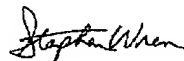
Claims 108-114 and 130-143

Examiner fails to respond on point with logical argument or further evidence to Applicant's arguments and evidence presented in his Brief. Applicant stands by such. Therefore, Examiner has acceded and this claim is deemed allowable.

Summary

It is respectfully asserted all claims are now in condition for allowance. Applicant respectfully requests that the Board reverse all rejections and instruct the Examiner to allow all claims now pending.

Respectfully submitted,



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APPENDIX A

In response to Examiner's APPENDIX D, Applicant presents the following:

Multiple central communications facilities

Applicant respectfully disagrees with Examiner. As established in the claim support in his Appeal Brief, all of Applicant's claims are supported no later than June 1994. For example, see the middle column, second row of said chart on page 9 of said Brief. It is replete with support for multiple central communications facilities. To wit:

The specification at page 5, lines 8-10 discloses: "... whereas the present invention would with central storage permit each remote facility or location to communicate with an array of central facilities...";

the specification at page 6, line 31 – page 7 line 3 discloses: "For auction houses a number of the remote locations may be concurrently linked with one or more central facilities...";

the specification at page 7 lines 30-35 discloses: "The customer is to communicate with central facilities or locations comprising banks, ... or in general any location from which a customer might wish assistance";

the specification at page 9 line 33 – page 10 line 7 discloses: "... upon pressing or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services."

Irrefutably then, Applicant has support for multiple central communications facilities no later than June 1994.

Saigh is not prior art

As established above and in the claim chart in Applicant's Appeal Brief, all of Applicant's claims are supported no later than June 1994. As established in Applicant's Appeal Brief for each affected claim, every cited feature of Saigh has a priority date after Applicant's June 1994 priority date or does not cover the claimed feature. Applicant stands by all of the arguments and evidence presented in his Brief. Therefore, each affected claim is deemed allowable.

Ferguson is not prior art

As established above and in the claim chart in Applicant's Appeal Brief, all of Applicant's claims are supported no later than June 1994. As established in Applicant's Appeal Brief for each affected claim, the earliest possible date for the Ferguson reference is November 1994 which is after Applicant's June 1994 priority date. Applicant stands by all of the arguments and evidence presented in his Brief. Therefore, each affected claim is deemed allowable.

InTouch is not prior art

As established above and in the claim chart of Applicant's Appeal Brief, all of Applicant's claims are supported no later than June 1994. As established in Applicant's Appeal Brief and at the top of page 17 above, InTouch's earliest date for the invention as claimed in every instance is later. Therefore, InTouch is not prior art and each affected claim is deemed allowable.

References are not properly combinable

ATT, Dworkin, Filepp and McCalley-

Applicant stands by the arguments and evidence presented in his Brief at page 37 for claim 31.

"Examiner improperly combines disparate references. Dworkin has a single central facility providing product information to multiple customers, whereas AT&T has multiple central facilities providing research information to multiple users. Dworkin is a one to many system. AT&T is a many to many system. These systems are therefore fundamentally different. Combining them would then alter their principal of operation. Such a combination is therefore improper."

Examiner has failed to respond supported with logical argument and/or evidence and has thereby acceded. Each affected claim is thereby deemed allowable.

ATT does not disclose "buying and selling goods and services over networks" as Examiner asserts. He has failed to cite or quote any passage of the reference that supports his contention. Whether or not McCalley discloses "buying and selling goods and services over networks" is moot as it has above been established that it is improper to combine ATT and Dworkin. Likewise, it is moot whether or not Filepp discloses "external providers".

Hindsight

The judgements made by Examiner on claims 30, 36, 44, 51 and 112 were not made on knowledge at the time of the invention as the Examiner has failed to present any evidence or reference which teaches the invention as claimed prior to the Applicant's priority date. Therefore, the Examiner could only have based his decision on the Applicant's own disclosure which is hindsight.

Applicant stands by all of the arguments and evidence presented in his Brief. Therefore, each affected claim is allowable.

Official Notice is improper

Applicant respectfully disagrees and notes that Examiner in a related case (serial number 09/504,374) also used Official Notice. Therefore, for at least Applicant's cases Examiner's use of Official Notice seems commonplace if not casual. Applicant also notes that the Board ruled in the 374 appeal that Examiner's use of Official Notice was improper.

Applicant further disagrees and asserts he did seasonably and adequately traverse Examiner's use of Official Notice by pointing out each specific error by Examiner as supported by evidence and logical argument. Again, in the above related 374 appeal Applicant notes that the Examiner had made the same accusation about failure to traverse which was rejected by the Board.

Applicant stands by all of the arguments and evidence presented in his Brief. Because he did seasonably and adequately traverse Examiner's use of Official Notice in each instance, the claimed limitations in question of:

1. providing employee recruiting information,
2. providing coupons, and
3. charging customers a fee for information in such a system

are not admitted prior art. Each affected claim is therefore deemed allowable.